

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

ABLE SALES COMPANY, INC.,

Plaintiff,

v.

CIV. NO. 05-1111 (PG)

MEAD JOHNSON PUERTO RICO, INC., ET AL.,

Defendants.

ORDER

On January 31, 2005, defendants filed a Notice of Removal pursuant to 28 U.S.C. §§ 1332(a)(1), 1441(1) and 1446. (Docket No. 1.) On February 10, 2005 plaintiff's filed a Motion to Remand (Docket No. 2.) Plaintiff later moved to stay and sought leave to conduct limited discovery on the jurisdictional issues. (Docket No. 12.) On May 25, 2005, the Court granted in part and denied in part plaintiff's motion, denying the request to stay but granting the petition to conduct limited jurisdictional discovery. Plaintiff was granted sixty (60) days to conduct the discovery and the Court held the motion to remand in abeyance until the discovery was completed. Following several procedural events, the matter was referred to Magistrate Judge Camille Velez-Rive for a Report and Recommendation. (Docket No. 25.)

On February 17, 2006, Magistrate Judge Velez-Rive issued her Report and Recommendation finding that the Court lacked subject matter jurisdiction to entertain the case and recommending that the motion to remand be granted. (Docket No. 27.) The filing of the objections deadline was set for March 6, 2006.

On March 6, 2006, defendants filed a Motion for Order Accepting the Magistrate's Report and Recommendation stating that after carefully reviewing the Report and Recommendation and the case-law cited therein they accepted the recommendation to remand the case to the local courts for all further

Civ. No. 05-1111(PG)

Page 2

proceedings. (Docket No. 29.) Having defendants acquiesced to remand their improperly removed case, the Court hereby **GRANTS** plaintiff's Motion to Remand.
(Docket No. 2.)

IT IS SO ORDERED.

In San Juan, Puerto Rico, March 7, 2006.

S/JUAN M. PEREZ-GIMENEZ
U. S. DISTRICT JUDGE